FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Scott Residence
P03-124

January 26, 2007

I. Introduction

The proposed project is a Major Use Permit for a wireless telecommunications facility (cell site). The project site is a property (APN: 509-010-03-00) straddling Alta Lane near the western end of this road in proximity to the water tank site. The address is 487 Alta Lane. The site is a 5-acre parcel developed with a single family residence. The cell site location is approximately 250 feet east of the existing residence and approximately 50 feet north of Alta lane. Portions of the property remain as undisturbed habitat.

The surrounding lands include a variety of uses. On the five adjacent parcels, each is developed with single family residences. To the east and southeast lies Crest, this area has a higher density of residential development than the immediate project area. Directly south, there is estate residential development consistent with the project site. Two water tanks, a radio tower and three parcels in development occur to the southwest. Undeveloped lands occur approximately 400 feet to the northwest, 800 feet west, and 800 feet southwest of the project area. This undeveloped area and the project site are part of a larger regional PAMA linkage.

On-site, a biological resources report was prepared to analyze the potential impacts and propose mitigation. The report surveys identified southern mixed chaparral, non-native vegetation, disturbed and developed areas. Two sensitive species, San Diego sunflower and western whiptail were observed in the project vicinity. The biology report addresses other sensitive species with the potential to occur. Impacts are proposed to 0.22 acres of southern mixed chaparral, which shall be mitigated at a 1:1 ratio in a county approved mitigation bank with Tier III or higher habitat credits. All impacts to habitat and species will be mitigated through this off-site purchase of credits. The proposed mitigation can be found in the mitigated negative declaration.

Table 1. Impacts to Habitat and Required Mitigation*

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Southern mixed chaparral	III	1.55	0.22	1:1	0.22
Non-native vegetation	IV	0.02	--	--	--
Disturbed	IV	0.11	--	--	--
Developed	IV	0.17	--	--	--
Total:	--	1.85	0.22	--	0.22

*acreages are for the study area only and not the entire property.

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Report dated October 4, 2006 prepared by Merkel & Associates. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The site is within a regional PAMA linkage and is therefore a BRCA.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Mitigation shall occur within an approved mitigation bank in the MSCP. Therefore, the mitigation site is a BRCA.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D),

Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. **Project development shall be sited in areas to minimize impact to habitat.**

   The project will occur on a parcel developed with a single family residence and surrounded by parcels of similar size and with similar development. The site was chosen to reduce impacts to the regional PAMA linkage and higher Tier habitats. Impacts will occur to 0.22 acres of southern mixed chaparral, which shall be mitigated at a 1:1 ratio in an approved mitigation bank.

2. **Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.**

   Clustering on this project is not an appropriate measure for avoiding impacts to sensitive habitats or species. Therefore, clustering was not used by this project.

3. **Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

   Steep slope encroachment on this project is not an appropriate measure for avoiding impacts to sensitive habitats or species. Therefore, encroachment was not used by this project.

4. **The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

   A reduction in road standards on this project is not an appropriate measure for avoiding impacts to sensitive habitats or species. Therefore, reducing road standards was not used by this project.

5. **Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

   The project is in compliance with Attachment G and H (see below).

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

1. **Acknowledge the "no net loss" of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

   There are no wetland habitats on-site or within the project area. Therefore, no impacts.

2. **Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.**

   Impacts will occur to 0.22 acres of southern mixed chaparral. Mitigation will occur within an approved mitigation bank. Approved banks have implemented management plans to maximize structural diversity and conserve unique habitats and features.

3. **Provide for the conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model.**

   The proposed impacts will occur to Tier III southern mixed chaparral in an area mapped as high value. Based on the biology report, the project area is between two existing residences and surrounded by existing residential development on the adjacent properties. On-site conservation is not a viable option for mitigation, which shall occur in an approved mitigation bank. Conservation in a bank will contribute more towards the preservation of viable blocks of habitat and preserve habitat of equal or higher quality.

4. **Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

Mitigation will occur within an approved mitigation bank. Approved banks have implemented management plans to reduce edge effects and provide monitoring and stewardship activities to reduce indirect impacts.

5. **Provide incentives for development in the least sensitive habitat areas.**

   The proposed project site is located midway between two residences and surrounded on a landscape level by additional residential development. In addition, impacts are limited to 0.22 acres of a Tier III habitat. In the vicinity of the PAMA linkage, there are more sensitive locations including coastal sage scrub where the project may have been cited. Therefore, the chosen location reduces impacts to the higher tier habitats and develops in a less sensitive area. In addition, the project will mitigate within an approved bank and therefore, contribute more towards the assembly of a regional preserve system than the on-site habitats now do.

6. **Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

   No narrow endemics were identified on the project site. Therefore, no impacts.

7. **Preserve the biological integrity of linkages between BRCAs.**

   The project site is located on the eastern edge of a regional PAMA linkage in a residentially developed neighborhood. Project development will not impact the linkage's integrity. However, off-site mitigation will contribute more towards the assembly of the preserve and linkages between BRCAs than the on-site habitats now do.

8. **Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).**

   The proposed 0.22 acres of impacts will occur within an approved mitigation bank. No impacts were proposed to MSCP covered species. However, by mitigating within an approved bank, the bank's implemented management plans achieve the conversation goals of the MSCP.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

1. **Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.**

   The project site is on the eastern edge of a regional north-south PAMA linkage. All of the surrounding properties are developed with single family residences. Other than an isolated open space on three properties to the south, there is no connectivity through this portion of the PAMA linkage. Development on the project site will not impede the preservation of a habitat linkage in this area because existing development precludes a linkage as defined by the BMO. Off-site mitigation in an approved bank will contribute more to the preservation and maintenance of a "linkage" than the on-site habitats now do.

2. **Existing movement corridors within linkages will be identified and maintained.**

   There are no movement corridors identified on this project site or within the immediate vicinity. However, off-site mitigation in an approved bank will contribute more to the preservation and maintenance of movement corridors than the on-site habitats now do.

3. **Corridors with good vegetative and/or topographic cover will be protected.**

   There are no movement corridors identified on this project site or within the immediate vicinity. However, off-site mitigation in an approved bank will contribute more to the preservation and maintenance of movement corridors than the on-site habitats now do.

4. **Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.**

   Mitigation is proposed within an approved mitigation bank. Preservation of habitat credits in an approved bank will provide for the conservation of significant blocks of habitat crucial to the movement, long-term survival and recovery of a wide range of species.

5. **The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**

Mitigation will occur in an approved mitigation bank. Therefore, the width of a linkage was not a factor in assessing impacts and proposing mitigation.

6. **If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.**

   Mitigation will occur in an approved mitigation bank. Therefore, the design and shape of a wildlife movement corridor was not a factor in assessing impacts and proposing mitigation.

7. **Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

   There are no movement corridors identified on this project site or within the immediate vicinity. However, off-site mitigation in an approved bank will contribute more to the preservation and maintenance of movement corridors than the on-site habitats now do.

8. **Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

   Because mitigation will occur in an approved bank, the bank's management plans have measures to reduce and eliminate human disturbance of wildlife corridors.

9. **Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

   Barriers were not proposed as part of this project and are not featured elements in approved mitigation banks. Therefore, this was not a factor in assessing and proposing mitigation for this project.

10. **Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.**

    No wildlife crossings are proposed.

11. **If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.**

    The proposed project location will not impact a local corridor or regional linkage because the surrounding residential development will preclude the majority of wildlife movement envisioned by the MSCP. However, mitigation in an approved bank in the MSCP will contribute more to the assembly of the MSCP preserve, which includes both local and regional wildlife movement, than the on-site habitats now do.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. **The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

   The project site supports no wetland habitat. Therefore, no impacts.

2. **The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

   The project site is located within a developed estate residential area. Proposed habitat impacts will be mitigated in an approved bank in the MSCP. Banks have measures implemented to satisfy this finding.

3. **The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project area does not support coastal sage scrub or other Tier I or II habitats. Proposed impacts will remove 0.22 acres of southern mixed chaparral in an area mapped as high value. This habitat value is not consistent with the biology report or staff's field site assessment. Therefore, the proposal to mitigate off-site in an approved bank will contribute more to preserve assembly and preservation of sensitive habitat types and high to very high value areas.

4. **The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

   The project will contribute to the preservation of a significant block of habitat through off-site acquisition in an approved bank. Approved banks have measures implemented to reduce or eliminate edge and indirect effects.

5. **The project provides for the development of the least sensitive habitat areas.**

   The project site was chosen to reduce impacts to sensitive habitats through site location between two developed residences. This area consists of non-native vegetation, disturbed-developed and southern mixed chaparral areas.

6. **The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

   No covered species were observed on-site. Impacts will occur to 0.22 acres of southern mixed chaparral, which will be mitigated off-site in an approved bank in the MSCP. Therefore, the project will contribute to preserve assembly and the conservation of covered species and sensitive habitats.

7. **Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

   Off-site mitigation is proposed in an approved bank in the MSCP. This mitigation will contribute to the preservation of a large block of habitat suitable for a wide range of species and wildlife movement.

8. **All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No critical species populations or narrow endemics were observed on-site.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The project area consists of estate residential development in the immediate vicinity and two water tanks and transmission tower to the southwest. Higher residential development occurs to the east. The PAMA linkage is mapped through the project area but local or regional wildlife movement as envisioned by the MSCP will be largely precluded because of the existing development. Therefore, the proposed cell site will not impact the preserve assembly and in fact will better contribute towards preserve assembly through off-site mitigation in an approved bank in the MSCP.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

No on-site open space is proposed. Mitigation will occur in an approved bank in the MSCP, which have measures implemented to reduce or eliminate edge and indirect impacts.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The proposed project is located on the eastern edge of the PAMA linkage on the west side of Crest. The linkage extends north to the Crest mitigation bank and south towards the Sweetwater River. In the immediate vicinity, the linkage was planned through an estate residential neighborhood with existing residential development along the western edge of the Community of Crest. Additional single family residences that qualify for a Certificate of Inclusion have been built subsequent to the approval of the MSCP. The permitted construction pursuant to the MSCP and BMO has reduced the overall habitat value in the project vicinity. In addition, the site location was chosen to minimize impacts by locating between two constructed residences. Based on these facts and the lack of sensitive, covered or narrow endemic species on-site, the project location is a suitable area to avoid impacts to BRCAs and sensitive resources and species. The 0.22 acres of habitat impacts will be mitigated in an approved bank in the MSCP. This mitigation will conserve habitat in a BRCA that will better contribute to the assembly of the preserve. Therefore, every effort has been made to site the project, reduce impacts and proposed mitigation that is equal or better than on-site condition.

Greg Krzys, Department of Planning and Land Use

January 26, 2007

MSCP Designation For
P03-124

,

- Streets
- Freeways
- Parcels
- Lakes
- Rivers
- Creeks
- Major Amend Area
- Minor Amend Area
- MSCP PAMA
- Take Authorized Areas
- Planned Preserve

Insert Copy of GIS Map here, with the project site highlighted and labeled.